



March 23, 2005

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## ENGROSSED SENATE BILL No. 132

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DIGEST OF SB 132 (Updated March 21, 2005 5:39 pm - DI 107)

**Citations Affected:** IC 34-6; IC 34-31; noncode.

**Synopsis:** Premises liability. Provides that if a person enters the premises of a nonprofit religious organization that is used for worship services with the permission of the nonprofit religious organization, the nonprofit religious organization has a duty to: (1) warn the person of a hidden danger on the premises if a representative of the nonprofit religious organization has actual knowledge of the hidden danger; and (2) refrain from intentionally harming the person. Provides that if a person enters the premises of a nonprofit religious organization without the permission of the nonprofit religious organization, the nonprofit religious organization has only a duty to refrain from intentionally harming the person.

**Effective:** July 1, 2005.

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### Zakas

(HOUSE SPONSORS — BORDERS, WALORSKI, SMITH J, BRIGHT)

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January 4, 2005, read first time and referred to Committee on Judiciary.  
February 24, 2005, amended, reported favorably — Do Pass.  
February 28, 2005, read second time, ordered engrossed. Engrossed.  
March 1, 2005, read third time, passed. Yeas 49, nays 0.

#### HOUSE ACTION

March 14, 2005, read first time and referred to Committee on Judiciary.  
March 22, 2005, amended, reported — Do Pass.

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ES 132—LS 6724/DI 69+



March 23, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 132

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-6-2-88.3 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 88.3. "Nonprofit religious organization", for**  
4 **purposes of IC 34-31-7, means an organization, a church, a body**  
5 **of communicants, or a group organized primarily for religious**  
6 **purposes and not for pecuniary profit that:**  
7 (1) operates:  
8 (A) under Section 501 of the Internal Revenue Code or the  
9 Section 501 nonprofit status of the parent organization of  
10 the organization, church, body of communicants, or group;  
11 and  
12 (B) with a constitution, charter, article, or bylaw  
13 containing a clause that provides that upon dissolution, all  
14 remaining assets must:  
15 (i) be used for nonprofit religious purposes; or  
16 (ii) revert to the parent organization for nonprofit  
17 religious purposes; or

ES 132—LS 6724/DI 69+



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**(2) operates as a place of worship and is recognized as a nonprofit organization by the Internal Revenue Service.**

SECTION 2. IC 34-31-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 7. Premises Liability of Nonprofit Religious Organizations**

**Sec. 1. (a) This chapter applies to premises liability only.**

**(b) A nonprofit religious organization has only the following duty concerning persons who enter premises owned, operated, or controlled by the nonprofit religious organization and used primarily for worship services:**

**(1) If a person enters the premises with the actual or implied permission of the nonprofit religious organization, the nonprofit religious organization has a duty to:**

**(A) warn the person of a hidden danger on the premises if a representative of the nonprofit religious organization has actual knowledge of the hidden danger; and**

**(B) refrain from intentionally harming the person.**

**(2) If a person enters the premises without the actual or implied permission of the nonprofit religious organization, the nonprofit religious organization has only a duty to refrain from intentionally harming the person.**

SECTION 3. [EFFECTIVE JULY 1, 2005] **This act applies only to a cause of action that accrues after June 30, 2005, based on an act or omission under IC 34-31-7, as added by this act.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 132, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, delete ":".

Page 1, line 6, delete "(1)".

Page 1, run in lines 5 through 6.

Page 1, line 7, after "that" insert ":

(1)".

Page 1, line 7, delete "operates under:" and insert **"operates:**

**(A) under Section 501 of the Internal Revenue Code or the Section 501 nonprofit status of the parent organization of the organization, church, body of communicants, or group; and**

**(B) with a constitution, charter, article, or bylaw containing a clause that provides that upon dissolution, all remaining assets must:**

**(i) be used for nonprofit religious purposes; or**

**(ii) revert to the parent organization for nonprofit religious purposes; or**

**(2) operates as a place of worship and is recognized as a nonprofit organization by the Internal Revenue Service."**

Page 1, delete lines 8 through 17.

Page 2, line 8, delete ":" and insert **"and used primarily for worship services:"**.

and when so amended that said bill do pass.

(Reference is to SB 132 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 11, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 132, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, after "Sec. 1." insert **"(a) This chapter applies to premises liability only.**

**(b)".**

and when so amended that said bill do pass.

(Reference is to SB 132 as printed February 25, 2005.)

FOLEY, Chair

Committee Vote: yeas 7, nays 4.

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